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CLEARINGHOUSE RULE 00-187

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In the list of section titles preceding subch. I, the title to s. PSC 2.23 should read: “Depositions.” Or, in the alternative, the title to s. PSC 2.23 in the text of the rule should be rewritten to read: “Discovery.”

b. In s. PSC 2.01 (intro.), the parentheses should be deleted and replaced with commas. Also, the acronym “PSC” should be replaced by the defined term “commission.”

c. In s. PSC 2.03, only the first word of the section title should be capitalized. The entire rule should be reviewed for this problem.

d. In s. PSC 2.04 (1), it is unnecessary to repeat the definition of “working day” previously defined in s. PSC 2.02 (16). In sub. (3) (b), it appears the first sentence should conclude with the phrase “or by facsimile.” Also, sub. (4) should be rewritten to read: “The commission will not consider any paper that is not properly served or filed under this section.” Finally, under sub. (5), when the commission authorizes and establishes procedures for electronic service and filing, these procedures should be added to the rule.

e. Section PSC 2.05 (3) should conclude with the phrase “under s. 227.01 (3), Stats.” In the note following s. PSC 2.05, the second sentence should be rewritten to read: “This section is intended to retain the substance of former s. PSC 2.10 (1)” In the next sentence of the note, the word “new” should be deleted.

f. In s. PSC 2.06 (1), the titles of the notices should not be presented with uppercase lettering.

g. Section PSC 2.07 (1) (b) should begin with the phrase “Except as provided in sub. (3), the.”

h. The analysis states that: “The commission shall post all determinations regarding confidentiality on its website and may give other appropriate notice.” Therefore, in the second sentence of s. PSC 2.10 (5) (d) 1., “shall” should be inserted between “commission” and “post.”

i. If titles are used for any subsection, then all subsections in that section should be titled. This problem occurs in s. PSC 2.23. In s. PSC 2.23 (1), the word “Commission” should be replaced by the word “commission.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. PSC 2.05 (5), it appears that the phrase “to open a docket” should be inserted after the word “request.”

b. In s. PSC 2.06 (2) (b), it appears that the phrase “other than” should be replaced by the phrase “that are not.”

c. Section PSC 2.08 (intro.) refers to “a public utility”; however, “public utility” is not defined in s. PSC 2.02. It is suggested that “public utility” as defined in s. 196.01 (5), Stats., be included in s. PSC 2.02.

d. Section PSC 2.10 (6) would be clearer if the phrase “and denied” is inserted after the word “requested.”

e. In s. PSC 2.22 (2), the phrase “seeking an order” should be inserted after the first occurrence of the word “motion.”